

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 LOUIS MAGEE JR.,)	Case No.: 1:21-cv-01598-KES-HBK (HC)
)	
12 Petitioner,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS, DENYING PETITION
13 v.)	FOR WRIT OF HABEAS CORPUS, DENYING
)	MOTION TO AMEND, DIRECTING CLERK OF
14 CHANCE ANDES, ACTING WARDEN,)	COURT TO CLOSE CASE, AND DECLINING
)	TO ISSUE CERTIFICATE OF
15 Respondent.)	APPEALABILITY
)	
)	Docs. 1, 44, 48

Petitioner Louis Magee, Jr. is a state prisoner proceeding pro se with his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 1. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 3, 2025, the assigned magistrate judge issued findings and recommendations recommending that the petition for writ of habeas corpus be denied as without merit, that petitioner's motion to amend be denied, and that the Court decline to issue a certificate of appealability. Doc. 48. Those findings and recommendations were served upon all parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service.

Petitioner filed objections on July 13, 2025. Doc. 49. In his objections, petitioner largely reiterates arguments he previously raised in support of his petition without engaging with the

1 magistrate judge's analysis. *See id.* In fact, most of the arguments in his objections appear to be
2 copied directly from his brief submitted to the state appellate court. *Compare* Doc. 24-11 *with*
3 Doc. 49.

4 According to 28 U.S.C. § 636(b)(1), the Court performed a de novo review of this case.
5 Having carefully reviewed the matter, the Court concludes the findings and recommendations are
6 supported by the record and proper analysis.

7 A petitioner seeking a writ of habeas corpus has no absolute entitlement to appeal, rather
8 an appeal is allowed only in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–36
9 (2003); 28 U.S.C. § 2253. If a court denies a habeas petition on the merits, the court may issue a
10 certificate of appealability only “if jurists of reason could disagree with the district court’s
11 resolution of [the petitioner’s] constitutional claims or that jurists could conclude the issues
12 presented are adequate to deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 327;
13 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the petitioner is not required to prove the
14 merits of his case, he must demonstrate “something more than the absence of frivolity or the
15 existence of mere good faith on his . . . part.” *Miller-El*, 537 U.S. at 338.

16 The Court finds that reasonable jurists would not find the Court’s determination that the
17 petition should be denied debatable or wrong, or that the issues presented are deserving of
18 encouragement to proceed further. Petitioner has not made the required substantial showing of the
19 denial of a constitutional right. Therefore, the Court declines to issue a certificate of appealability.

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1 Based upon the foregoing, the Court ORDERS:

- 2 1. The findings and recommendations issued on July 3, 2025, Doc. 48, are
3 ADOPTED in full.
4 2. The petition for writ of habeas corpus, Doc. 1, is DENIED.
5 3. Petitioner's construed motion to amend, Doc. 44, is DENIED.
6 4. The Court declines to issue a certificate of appealability.
7 5. The Clerk of the Court is directed to close the case.
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9 IT IS SO ORDERED.

10 Dated: August 7, 2025

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13 UNITED STATES DISTRICT JUDGE
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